

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON BERMUDEZ,

Petitioner,

-against-

DAVID HOWARD,

Respondent.

23-CV-10668 (LTS)

ORDER DIRECTING PAYMENT OF FEE
OR IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is proceeding *pro se*, brings this petition for a writ of *habeas corpus*. By order dated December 14, 2023, the Court directed Petitioner to pay the \$5.00 filing fee or complete and submit an *in forma pauperis* (“IFP”) application. On January 8, 2024, the Court received a letter from Petitioner, indicating that he was submitting the \$5.00 filing fee. The letter, however, did not include the \$5.00 filing fee but rather a copy of a disbursement request Petitioner had completed at his correctional facility, asking the facility to issue a check for the \$5.00. The Court has not received the fee.

Accordingly, the Court grants Petitioner an additional 30 days to pay the \$5.00 filing fee or submit the attached IFP application. No answer shall be required at this time. If Petitioner complies with this order, the case shall be processed in accordance with the procedures of the Clerk’s Office. If Petitioner fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: January 23, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge